

Daniel J. Greenberg, Esq.
Stephan C. Nikoloff, Esq.
Scott M. Gross, Esq.
Gregory S. Grossman, Esq.
Theresa M. McDowell, Esq.
Ariana E. Zarrella, Esq.



**Greenberg
Nikoloff**
P.A.

FLORIDA COMMUNITY
ASSOCIATION LAWYERS

1964 Bayshore Blvd., Suite A
Dunedin, Florida 34698

17900 Hunting Bow Cir., Suite 102
Lutz, Florida 33558
(727) 738-1100
Fax (727) 733-0042
www.associationlawfl.com
Ariana@associationlawfl.com

July 22, 2025

VIA E-MAIL ONLY

Whispering Woods Homeowners Association, Inc. of Pinellas County
c/o Ameri-Tech Community Management
24701 US Highway 19 North
Suite 102
Clearwater, FL 33763

Re: Maintenance Responsibility for Electrical Conduits

Dear Board Members:

The Board has recently inquired into whether the Association or the individual homeowner is responsible for the maintenance, repair, and replacement of the electrical conduits within the community. Please accept my following comments.

The Association is a Homeowners' Association, which is governed by Florida Statute 720, the Homeowners' Association Act. In Homeowners' Associations, the maintenance responsibilities lie with the Owner of the Lot/Unit, unless the Declaration expressly shifts the burden of a certain maintenance responsibility to the Association. Thus, the maintenance responsibilities for the Association and for the individual homeowners stem from the Association's Declaration. In reviewing the Association's governing documents, the maintenance responsibility for the electrical conduits is not specifically mentioned. However, the Declaration of Covenants, Conditions and Restrictions of Whispering Woods, as originally recorded at O.R. Book 6132, Page 727 et seq., and having been preserved by that certain Notice of Preservation, as recorded at O.R. Book 19143, Page 2700 et seq., in all of the public records of Pinellas County, Florida, states, in relevant part, as follows:

ARTICLE II
PROPERTY RIGHTS IN COMMON AREA

Section 4. Maintenance. The Association shall at all times maintain the Common Area, and any portion of any Lot or Unit burdened by any easement as shown on the Plat of the Properties or reserved hereby, in good repair and shall replace, as often as necessary, any and all improvements situated on the Common Area, including, but not limited to, all recreational facilities, retention areas, buildings, landscaping, roads, paving, parking areas, swimming pool, tennis court, nature trails, drainage structures, street lighting fixtures and appurtenances, sidewalks, and any other structures, **except utilities**; all such work to be done by licensed professionals as ordered by the Board of Directors of the Association acting on a majority vote of the Board members. Maintenance of street lighting fixtures shall include and extend to payment for all electricity consumed in their illumination, if necessary. All work pursuant to this section and all expenses hereunder

shall be paid for by the Association through assessments imposed in accordance with Article IV. Such assessments shall be against all Units equally. No Owner of any Unit may waive or otherwise escape liability for the assessments for such maintenance by non-use of the Common Area or by abandonment of his right to use said Common Area.

ARTICLE VI DUTY TO MAINTAIN

Section 2. Units. The Unit Owners shall be responsible for the maintenance, upkeep and repair of the structures, grounds not burdened by easements, premises, improvements and the exteriors of their individual Units in a neat and attractive manner, including, but not limited to, the periodic repainting of the Unit. The Unit Owners shall maintain the exterior of their Units in accordance with the plan, design and color scheme of their Unit at the time of the Declarant's conveyance of said Unit to its initial purchaser(s).

In the event a Unit Owner in the Properties shall fail to maintain the structures, grounds not burdened by easements, premises, improvements and Unit exteriors in accordance with the provisions or this Declaration in a manner satisfactory to the Board of Directors, the Association, after approval by two-thirds (2/3) vote of the Board or Directors, shall have the right, through its agents and employees, to enter upon said parcel and to repair, maintain and restore the said structures, grounds, premises, improvements or Unit exteriors. The costs incurred by the Association in so repairing, maintaining or restoring shall be added to, and become part of, the annual assessment to which such Unit is subject and the Association shall have a lien upon such Unit, enforceable as with all other liens for unpaid assessments, as provided herein.

Pursuant to the above-referenced provisions, the maintenance responsibility of the electrical conduits within the community lies with the individual homeowner. Since the governing documents are silent regarding the specific maintenance responsibility of electrical conduits, and the Association is a homeowners association incorporated under Florida Statute 720, it is our opinion that the individual homeowner would be responsible for the maintenance, repair, and/or replacement of the electrical conduits for any given unit. Further, utilities are exempted from the Association's maintenance responsibilities regarding common area property pursuant to the above-referenced provisions. Therefore, the individual unit homeowners are responsible for the maintenance, repair, and replacement of the electrical conduits within the community.

As always, it is a pleasure serving the Association. Please do not hesitate to contact our office should you have questions.

Sincerely,



Ariana E. Zarrella, Esq.

AEZ:hs